

**PATENT APPLICATION**

Docket No.: 784

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) or Patentee(s): Yuanhua T. Tang, John Tillinghast, Ankura Sinku,  
Chenghua Liu, Radoje T. Drmanac

Application No. or Patent No.: Not Yet Assigned

Filed or Issued: Herewith

For: NOVEL CONTIGS OBTAINED FROM VARIOUS  
LIBRARIES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR § 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ( ) The owner of the small business concern identified below:  
(X) An official of the small business concern empowered to act on behalf of the  
concern identified below:

NAME OF CONCERN: HYSEQ, INC.  
ADDRESS: 670 Almanor Avenue  
Sunnyvale, CA 94086

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.12, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention, entitled NOVEL CONTIGS OBTAINED FROM VARIOUS LIBRARIES by inventors, Yuanhua T. Tang, John Tillinghast, Ankura Sinku, Chenghua Liu, Radoje T. Drmanac, described in

- (X) The specification filed herewith.  
( ) Application Serial No. [ ], filed [Date].  
( ) Patent No. [ ], issued [Date].

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(c), or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: Lewis S. Gruber

Title of person  
other than owner: President & CEO

Address of person signing: HYSEQ, INC.  
670 Almanor Avenue  
Sunnyvale, CA 94086

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup>NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

A  
Box seq

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION TRANSMITTAL UNDER 37 CFR 1.53

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Yuanhua T. Tang, John Tillinghast, Ankura Sinku, Chenghua Liu, Radoje T. Drmanac

Title: NOVEL CONTIGS OBTAINED FROM VARIOUS LIBRARIES

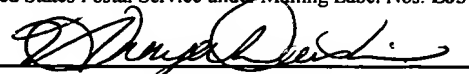
1. Type of application

- ☐ This is a new application for a ☐ Utility patent. ☐ Design patent.  
☒ This is a continuation-in-part application of prior applications:

20411-726	1998-01-07	US 09/004,182
20411-728	1998-02-13	US 09/034,341
20411-731	1998-03-20	US 09/045,400
20411-740	1999-05-26	US 09/321,214
20411-747A	1998-08-10	US 09/131,598
20411-751	1998-10-13	US 09/170,294
20411-753	1998-10-27	US 09/179,473
20411-754	1998-10-28	US 09/181,430
20411-756	1999-01-20	US 09/235,076
20411-757	1999-01-22	US 09/234,611
20411-758	1998-12-09	US 09/210,298
20411-759	1998-12-30	US 09/221,820
20411-761	1999-01-29	US 09/240,371
20411-764	1999-02-12	US 09/248,797
20411-766	1999-03-25	US 09/277,227
20411-767	1999-03-18	US 09/271,490
20411-769	1999-04-15	US 09/293,972
20411-770	1999-03-23	US 09/274,861
20411-774	1999-03-19	US 60/125,453
20411-775	1999-03-26	US 60/126,605
20411-776	1999-05-07	US 09/306,350
20411-777	1999-09-21	US 09/399,720
20411-780	1999-09-21	US 09/404,284
20411-781	1999-12-16	US 09/465,877
783	2000-01-19	NOT YET ASSIGNED

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on January 21, 2000, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label Nos. EJ575238115US and EJ575238248US.

  
Annya Dushine

2. **Application Papers Enclosed**

1 Title Page  
281 Pages of Specification (excluding Claims, Abstract, Drawings & Sequence Listing)  
2 Page(s) of Claims  
1 Page(s) of Abstract  
0 Sheet(s) of Drawings (Figs. X-X)  
☐ Formal ☐ Informal  
8,265 Page(s) of Sequence (1-4,400 pages in Box 1 of 2)  
(4,401-8,265 pages in Box 2 of 2)

3. **Oath or Declaration**

- ☒ Enclosed
- ☒ Executed by (check all applicable boxes)
- ☒ Inventor(s)
- ☐ Legal representative of inventors(s) (37 CFR 1.42 or 1.43)
- ☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
- ☐ The petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 are enclosed. See Item 5D below for fee.
- ☐ Unexecuted – the undersigned attorney or agent is authorized to file this application on behalf of the applicant(s). An executed declaration will follow.

4. **Additional Papers Enclosed**

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Declaration of Biological Deposit
- ☒ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence and Statement Under 37 CFR § 1.821
- ☒ Paper copy of sequence listing identical to computer copy (8,265 total pages)  
(1-4,400 pages in Box 1 of 2)  
(4,401-8,265 pages in Box 2 of 2)
- ☐ Microfiche computer program
- ☒ Verified statement claiming small entity status under 37 CFR 1.9 and 1.27
- ☐ Associate Power of Attorney

- ☐ Verified translation of a non-English patent application
- ☒ Return receipt postcard
- ☐ Other \_\_\_\_\_

**5. Priority Applications Under 35 USC 119**

Certified copies of applications from which priority under 35 USC 119 is claimed are listed below and

- ☐ are attached.
- ☐ will follow.

COUNTRY	APPLICATION NO.	FILED

**6. Filing Fee Calculation (37 CFR 1.16)**

- A. ☒ **Utility Application**

CLAIMS AS FILED – INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$345.00		\$690.00
TOTAL	X-20	= 0	X 9 =	\$0.00	X 18 =	\$0.00
INDEP.	X-3	= 0	X 39 =	\$0.00	X 78 =	\$0.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 130 =	\$0.00	+ 260 =	\$0.00
FILING FEE:				\$345.00	OR	\$0.00

- B. ☐ **Design Application (\$155.00/\$310.00)** Filing Fee: \$\_\_\_\_\_

- C. ☐ **Plant Application (\$240.00/\$480.00)** Filing Fee: \$\_\_\_\_\_

**D. Other fees**

- ☐ Recording Assignment [Fee -- \$40.00 per assignment] \$ \_\_\_\_\_
- ☐ Petition fee for filing by other than all the inventors  
or person on behalf of the inventor where inventor  
refused to sign or cannot be reached [Fee -- \$130.00] \$ \_\_\_\_\_
- ☐ Other \$ \_\_\_\_\_

**TOTAL FEES ENCLOSED \$ 345.00**

**7. Method of Payments of Fees**

- ☒ Enclosed check #17391 in the amount of \$345.00
- ☐ Charge Deposit Account No. 501169. A duplicate copy of this  
transmittal is enclosed
- ☐ Not enclosed

**8. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge payment of any additional fees due or credit any overpayment to Deposit Account No. 501169. A duplicate copy of this transmittal is enclosed.

Please refund any overpayment to Hyseq, Inc. at the address below.

Please direct all future correspondence to Petrina S. Hsi at the address below.

Respectfully submitted,

Date: January 21, 2000

By:



Petrina S. Hsi  
Attorney for Applicants  
Registration No.: 38,496  
HYSEQ, INC.  
670 Almanor Avenue  
Sunnyvale, CA 94086  
(408) 524-8100  
(408) 524-8145 (Telefacsimile)

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

As [a] below named inventor(s), I/we hereby declare that:

Yuanhua T. Tang, John Tillinghast, Ankura Sinku,  
Chenghua Liu, Radoje T. Drmanac

My/our residence, post office address and citizenship is/are as stated below next to my/our name(s).

I/we believe I/we am/are an/the original, first and sole/joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: NOVEL CONTIGS OBTAINED FROM VARIOUS LIBRARIES, the specification of which

  X   is attached hereto.

       was filed on [date] as Application Serial Number [            ]  
and was amended on [date].

I/We hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate, listed below and so identified, and I/we have also identified below any foreign application for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

NUMBER	COUNTRY	DAY/MONTH/ YEAR FILED	PRIORITY CLAIMED - YES OR NO

I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<u>FILING DATE</u>	<u>SERIAL NUMBER</u>
1998-01-07	US 09/004,182
1998-02-13	US 09/034,341
1998-03-20	US 09/045,400
1999-05-26	US 09/321,214
1998-08-10	US 09/131,598
1998-10-13	US 09/170,294
1998-10-27	US 09/179,473
1998-10-28	US 09/181,430
1999-01-20	US 09/235,076
1999-01-22	US 09/234,611
1998-12-09	US 09/210,298
1998-12-30	US 09/221,820
1999-01-29	US 09/240,371
1999-02-12	US 09/248,797
1999-03-25	US 09/277,227
1999-03-18	US 09/271,490
1999-04-15	US 09/293,972
1999-03-23	US 09/274,861
1999-03-19	US 60/125,453
1999-03-26	US 60/126,605
1999-05-07	US 09/306,350
1999-09-21	US 09/399,720
1999-09-21	US 09/404,284
1999-12-16	US 09/465,877
2000-01-19	Not Yet Assigned

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I/We hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls with respect to this application be directed to Petrina S. Hsi, HYSEQ, INC., 670 Almanor Avenue, Sunnyvale, CA 94086, Telephone No. (408) 524-8100:

ATTORNEY	REGISTRATION NO.
Lewis S. Gruber	30,060
Petrina S. Hsi	38,496



Full name of  
first joint inventor:

Yuanhua T. Tang

Inventor's signature:



Date: 1/21/2000

Residence and Post  
Office Address:

4230 Ranwick Court, San Jose, CA 95118

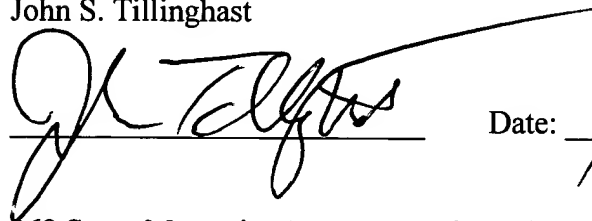
Citizenship:

People's Republic of China

Full name of  
second joint inventor:

John S. Tillinghast

Inventor's signature:



Date: 1/21/00

Residence and Post  
Office Address:

269 Santa Margarita Avenue, Menlo Park, CA 94025

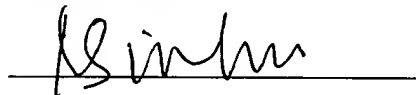
Citizenship:

United States of America

Full name of  
third joint inventor:

Ankura Sinku

Inventor's signature:



Date: 1/21/00

Residence and Post  
Office Address:

655 South Fair Oaks Avenue, #B-217, Sunnyvale, CA 94086

Citizenship:

India

Full name of  
fourth joint inventor:

Chenghua Liu

Inventor's signature:



Date: 1/21/00

Residence and Post  
Office Address:

1125 Ranchero Way, Apt. # 14, San Jose, CA 95117

Citizenship:

People's Republic of China

Full name of  
fifth joint inventor:

Radoje T. Drmanac

Inventor's signature:

*Radoje T. Drmanac*

Date: 1/21/00

Residence and Post  
Office Address:

850 East Greenwich Place, Palo Alto, CA 94303

Citizenship:

Yugoslavia